REMARKS

Claims 1-22 are all the claims pending in the application. New claims 18-22 are added via this amendment.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for returning an initialed copy of the PTO Form SB/08, filed on December 9, 2004.

CLAIM OBJECTIONS:

Claims 5 and 10 are objected to for using the language "or the like" and "for example." Claims 5 and 10 are hereby amended to address the issue noted by the Examiner, such that the objection to claims 5 and 10 should be withdrawn.

35 U.S.C. § 102:

Claims 1-4, 7, 8 and 10-17 are rejected under 35 U.S.C. § 102(a) as being anticipated by Siegler et al. (U.S. Patent 6,375,164 [hereinafter "Siegler"]).

Claim 1 is amended to recite, *inter alia*, that the mounting means comprising a tubular lower portion shaped to co-operably engage an around an upper portion of the upright in an interference fit. Amended claim 16 includes a similar feature. Siegler does not disclose at least these features.

Applicant notes that for a reference to anticipate a claim, the "identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). An invention identical to what is presently claimed is not disclosed in Siegler.

As described in the present specification, an aspect of the invention is to provide a temporary barrier unit which is mountable upon a temporary road traffic control upright. An example of such an upright may be a road traffic cone, warning triangle or the like. Exemplary embodiments of the present invention do not require a specifically fitted cassette which is screwed in place. Instead, the present specification describes the invention as being used with existing cones, triangles and other warning devices, so as to not require a particular cone design. The cylindrical portion of the present invention allows for it to be easily adapted to a traffic control device by fitting the cylindrical portion over a top of a cone, as shown in Figure 4; or over the top of a triangle 26, as shown in Figure 5.

The invention of claims 1 and 16 provide unique features such that a specifically manufactured upright is not required to use the claimed barrier unit. Instead, it can be simply, rapidly and easily deployed on existing road traffic cones. The invention achieves such a feature, for example, through a tubular portion which sits about the apex of the cone. As one skilled in the art will appreciate, it is easy to install and to remove, and is simple to deploy as a modification to existing road traffic cones. By relying on an interference (friction) fit, a rapid and practical solution is offered so as to avoid needing mechanical fixings, as in the prior art.

Siegler is a conventional pedestrian barrier unit which relies upon its own specifically configured post. Siegler can be considered representative of the general state of the art in which a barrier system makes use of a tape cartridge dispenser which is specifically mounted on a specially designed upright. In particular, Siegler discloses to place the cassette 23 within an open upper end of the post 20 (see column 3, lines 7-9). The cassette 23 is positioned in the post

such that brackets 25 are accommodated by slots 39 (see column 4 , lines 1-3). Screws are fitted through holes 43 at lower ends of the bracket 25 (see column 4, lines 7-9). Therefore, Siegler requires the cassette to be fastened in place using screws. The cartridge of Siegler is not suitable for fitment to pre-existing, unmodified road traffic barriers.

The invention of claims 1 and 16 is distinguished from the fixing device of Siegler. Whereas the cartridge of Siegler includes a mechanical fixing arrangement of projections, slots and screws, the unit of the present invention has a simple tubular mounting portion which fits over and around the upper portion of a road traffic cone to provide an interference fit. The fixing of the present invention is of a universal nature - the road traffic cone *does not* require a modification to accommodate the mounted unit, and no further mechanical fixings, such as the screws, clips or other items required in prior art are necessary to secure it in place. Further, the device of Siegler does not engage around an upper portion of the upright, but is instead inserted into the post.

An aspect of the invention particularly lies in the realization that an admirably simple temporary road traffic barrier system can be provided using tape cartridge dispensers which are readily and removably mountable on basic traffic cones, for example. The claimed invention is significantly technically superior to conventional cartridge barrier systems, of which Siegler is representative, since devices such as Siegler require special fixings and hence special uprights. The system of the present invention does not necessitate any modification to conventional traffic cones and uprights. The invention can be thus secured rapidly, but removably, to an existing

traffic cone, offering the flexibility necessary to make it an efficient and practical alternative road barrier.

The device of Siegler does not disclose the claimed interference fit. It is well settled that there is a "heavy presumption" that claim terms mean what they say and have the ordinary meaning that would be attributed to those words by persons skilled in the relevant art. *Texas Digital Sys., Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 1202 (Fed. Cir. 2002); see also *K-2 Corp. v. Saloman S.A.*, 191 F.3d 1356, 1365 (Fed. Cir. 1999) (noting that claim construction "is firmly anchored in reality by the understanding of those of ordinary skill in the art"). As one skilled in the art would appreciate, an "interference fit," as is also clear from the context of the application, is a simple frictional engagement without a specific mechanical fixing. The arrangement of slots in Siegler is an example of the sort of arrangement that the present device in accordance with the amendment claims seeks to avoid.

Accordingly, Applicant respectfully submits that claims 1 and 16 are not anticipated by Siegler, such that the rejection thereof should be withdrawn. The rejection of dependent claims 2-4, 7, 8, 10-15 and 17 should likewise be withdrawn at least by virtue of their respective dependencies upon claims 1 and 16.

Claim Rejections - 35 U.S.C. § 103

Claims 5 and 6

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Siegler in view of Signorelli (US Patent No. 6,053,657). The Examiner acknowledges that Siegler fails to disclose tape having a surface pattern, hazard warning markings or a reflective surface

material. Therefore, the Examiner cites Signorelli for disclosing these features. Applicant respectively submits that the surface pattern of Signorelli fails to make up for the deficient teachings of Siegler in regard to claim 1, such that the rejection of claims 5 and 6 should be withdrawn at least by virtue of their respective dependencies upon claim 1.

Claim 9

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Siegler in view of Langlie et al. (US Patent No. 6,595,496 [hereinafter "Langlie"]).

The Examiner acknowledges that Siegler fails to disclose the claimed locking means and therefore cites the lock lever 52 of Langlie. Applicant respectively submits that the application of Langlie fails to make up for the deficient teachings of Siegler, such that the rejection of claim 9 should be withdrawn at least by virtue of its dependency upon claim 1.

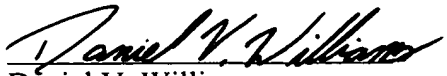
NEW CLAIMS:

Applicant adds new claims 18-22 to obtain more varied protection for the invention. Claims 18-22 are deemed patentable over the art at least due to their respective dependencies on claims 1 and 16.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Daniel V. Williams
Registration No. 45,221

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 19, 2006